IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: **08/889,033**	)	
	)	
In re Application of	)	Art Unit 2621
Frazzitta, et al.	)	
	)	
Confirmation No.: **2912**	)	Patent Examiner
	)	Tung Vo
Filed: **July 7, 1997**	)	
	)	
Title: **Transaction System**	)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DECLARATION PURSUANT TO 37 C.F.R. § 1.132

I, Patrick C. Green, hereby declare as follows:

1. I am a former employee of Diebold, Incorporated and/or InterBold, a wholly owned subsidiary of Diebold, Incorporated (collectively referred to hereafter as "Diebold"). I was employed by Diebold as an engineer and engineering manager in the development of transaction systems and associated hardware and software for those systems. I retired from Diebold in 2007. I began working in the transaction system industry in approximately 1974. I am familiar with the aspects of conducting transactions using systems that include a service provider station and a customer station with regard to functionality and operation.

2. It is my understanding that the present application was filed July 7, 1997.

3. Based on my knowledge and experience, a person having ordinary skill in the art of conducting transactions using systems that include a service provider station and a customer station at the time of July 7, 1997 (hereinafter a "person having ordinary skill in the art") would have had a four-year college degree in engineering, such as mechanical or electrical engineering, and would have had at least four years of experience in designing systems for conducting transactions using a service provider station and a customer station (or equivalent years of working experience in the design of such transaction systems).

4. I have reviewed the patents to McClure (US 3,294,342), Granzow (US 4,580,040), Dallman (US 4,681,044), Milatz (US 4,942,464), and Paganini (US 4,398,257). I have also considered the combined disclosures of these patents.

5. The person having ordinary skill in the art would not have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a first system that includes:

a service provider (SP) station including:

an SP visual display,

an SP CCTV camera,

an SP audio transmitting device and an SP audio receiving device,

an SP pneumatic tube carrier delivery and receiving device,

at least one customer station including:

a customer visual display, where the customer visual display is in operative connection with the SP CCTV camera,

a customer CCTV camera in operative connection with the SP visual display,

a customer audio transmitting device and a customer audio receiving device in operative connection with the SP audio receiving device and SP audio transmitting device, respectively,

a customer pneumatic tube carrier delivery and receiving device in operative connection with the SP pneumatic tube carrier delivery and receiving device, where a carrier is enabled to be selectively moved between the customer station and the SP station, and

a frame comprising a door frame,

a building, where the building comprises an interior area which includes an interior wall extending therein, where the SP station is housed in the interior area, where the wall comprises an opening, where the frame is in supporting connection with the wall and extends in the opening, and where at least one component among the customer visual display, customer CCTV camera, customer audio transmitting device, customer audio receiving device, and customer carrier delivery and receiving device of the customer station is positioned within the interior area in supporting connection with the frame.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted first system.

6. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a second system that includes:

a service provider (SP) station including:

an SP visual display,

an SP CCTV camera,

an SP audio transmitting device and an SP audio receiving device,

an SP pneumatic tube carrier delivery and receiving device,

where the SP station is in operative connection with a communication selector device,

a plurality of customer stations, where at least one customer station includes:

a customer visual display, where the customer visual display is in operative connection with the SP CCTV camera,

a customer CCTV camera in operative connection with the SP visual display,

a customer audio transmitting device and a customer audio receiving device in operative connection with the SP audio receiving device and SP audio transmitting device, respectively,

where video and audio connection between the SP station and the customer station is responsive to input to the communication selector device,

a customer pneumatic tube carrier delivery and receiving device in operative connection with the SP pneumatic tube carrier delivery and receiving device, where a carrier is enabled to be selectively moved between the customer station and the SP station,

a sensor, where the sensor is operative to sense a person positioned adjacent the customer station,

where the SP station includes an indicator in operative connection with the sensor, where an indication is given at the SP station of the presence of the person adjacent the customer station, and

a building, where the building comprises an interior area which includes an interior wall extending therein, where the SP station is housed in the interior area, and where at least one component among the customer visual display, customer CCTV

camera, customer audio transmitting device, customer audio receiving device, and customer carrier delivery and receiving device of the customer station is positioned within the interior area in supporting connection with the interior wall.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted second system.

7. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a third system that includes:

a service provider (SP) station including:

an SP visual display,

an SP CCTV camera,

an SP audio transmitting device and an SP audio receiving device,

an SP pneumatic tube carrier delivery and receiving device,

at least one customer station including:

a customer visual display, where the customer visual display is in operative connection with the SP CCTV camera,

a customer CCTV camera in operative connection with the SP visual display,

a customer audio transmitting device and a customer audio receiving device in operative connection with the SP audio receiving device and SP audio transmitting device, respectively,

a customer pneumatic tube carrier delivery and receiving device in operative connection with the SP pneumatic tube carrier delivery and receiving device, where a carrier is enabled to be selectively moved between the customer station and the SP station, and

a building,

where the building comprises an interior area which includes an interior wall extending therein, where the SP station is housed in the interior area, where the customer station is positioned within the interior area, and where at least one component among the customer visual display, customer CCTV camera, customer audio transmitting device, customer audio receiving device, and customer carrier delivery and receiving device of the customer station is positioned within the interior area in supporting connection with the interior wall,

where the building includes a secure room,

where the SP station is housed in the secure room,

where the customer station is disposed outside of the secure room,

a plurality of customer stations in the building, where each of the customer stations is in operative connection with the SP station.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted third system.

8. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a fourth system that includes:

a service provider (SP) station including:

an SP visual display,

an SP CCTV camera,

an SP audio transmitting device and an SP audio receiving device,

an SP pneumatic tube carrier delivery and receiving device,

at least one customer station including:

a customer visual display, where the customer visual display is in operative connection with the SP CCTV camera,

a customer CCTV camera in operative connection with the SP visual display,

a customer audio transmitting device and a customer audio receiving device in operative connection with the SP audio receiving device and SP audio transmitting device, respectively,

a customer pneumatic tube carrier delivery and receiving device in operative connection with the SP pneumatic tube carrier delivery and receiving device, where a carrier is enabled to be selectively moved between the customer station and the SP station,

a building, where the building comprises an interior area which includes an interior wall extending therein, where the SP station is housed in the interior area, and where at least one component among the customer visual display, customer

CCTV camera, customer audio transmitting device, customer audio receiving device, and customer carrier delivery and receiving device of the customer station is positioned within the interior area in supporting connection with the interior wall,

a plurality of customer stations in operative connection with the SP station, and

where each customer station includes a device actuatable by a customer at a customer station,

a queuing device at the SP station,

where the queuing device is in operative connection with each customer actuatable device,

where the queuing device is operative to generate an order,

where the order includes data representative of a time sequence in which the actuatable devices at the customer stations were actuated, and

where the queuing device is operative to indicate data responsive to the order.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted fourth system.

9. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a fifth system that includes a customer station produced by a method comprising:

(a) providing an interior building wall including a wall opening therethrough;

(b) positioning a frame in the wall opening in supporting connection with the wall, including framing the opening with an opening bounding frame, where the bounding frame comprises a door frame, where the opening is framed by the door frame;

(c) positioning at least one transaction component in supporting connection with the frame, including positioning the transaction component in supporting connection with the bounding frame; and

(d) mounting a cover in supporting connection with the wall in overlying relation of the wall opening, where the cover includes a component opening, and where when the cover is in overlying relation of the wall opening the transaction component is accessible through the component opening.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted fifth system.

10. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a sixth system that includes:

a service provider (SP) station including:

an SP visual display,

an SP CCTV camera,

an SP audio transmitting device and an SP audio receiving device,

an SP pneumatic tube carrier delivery and receiving device,

at least one customer station including:

a customer visual display, where the customer visual display is in operative connection with the SP CCTV camera,

a customer CCTV camera in operative connection with the SP visual display,

a customer audio transmitting device and a customer audio receiving device in operative connection with the SP audio receiving device and SP audio transmitting device, respectively,

a customer pneumatic tube carrier delivery and receiving device in operative connection with the SP pneumatic tube carrier delivery and receiving device, where a carrier is enabled to be selectively moved between the customer station and the SP station,

a building, where the building comprises an interior area which includes an interior wall extending therein, where the SP station is housed in the interior area, where at least one component among the customer visual display, customer CCTV camera, customer audio transmitting device, customer audio receiving device, and customer carrier delivery and receiving device of the customer station is positioned within the interior area in supporting connection with the interior wall,

where a plurality of customer stations are positioned within the interior area of the building, where each customer station includes:

a customer visual display, where the customer visual display is in operative connection with the SP station,

a customer CCTV camera in operative connection with the SP station,

a customer audio transmitting device in operative connection with the SP station,

a customer audio receiving device in operative connection with the SP station, and

a customer pneumatic tube carrier delivery and receiving device in operative connection with the SP station, where a carrier is enabled to be selectively moved between the customer station and the SP station.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted sixth system.

11. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a seventh system that includes:

a customer station inside of a building,

where the customer station includes:

an interior wall fixed in the building,

where the interior wall has an opening therethrough,

where the interior wall includes a support frame bounding the opening,

at least one transaction component,

where the at least one transaction component includes a pneumatic tube carrier terminal,

where the at least one transaction component includes a display device,

where the display device is supported by the frame,

a user interface,

where the user interface is supported by the frame,

where the user interface includes interface openings therethrough,

where the interface openings include a pneumatic tube carrier terminal opening,

where the interface openings include a display device opening,

where the user interface is movable between a first position and a second position,

where in the first position the user interface is adjacent the at least one transaction component,

enabling the at least one transaction component to be used by a customer at the customer station in carrying out a financial transaction,

where in the first position the pneumatic tube carrier terminal opening is substantially aligned with the pneumatic tube carrier terminal,

where in the first position the display device opening is substantially aligned with the display device,

where in the second position the user interface is disposed from the at least one transaction component, enabling the at least one transaction component to be manually accessed by servicing personnel,

a hinge arrangement,

where the hinge arrangement includes plural hinges,

where each of the plural hinges is connected to the frame,

where the user interface is movable between the first position and the second position via the hinge arrangement.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted seventh system.

12. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a eighth system that includes:

a customer station inside of a building,

where the customer station includes:

an interior wall fixed in the building,

where the interior wall has a wall opening therethrough,

where the interior wall includes a door frame bounding the wall opening,

at least one transaction component,

where the at least one transaction component includes a pneumatic tube carrier terminal,

where the at least one transaction component includes a display device,

where the display device is supported by the door frame,

a cover,

where the cover is movably mounted to the door frame,

where the cover is supported by the door frame,

where the cover includes cover openings therethrough,

where the cover openings include a pneumatic tube carrier terminal opening,

where the cover openings include a display device

opening,

where the cover is movable relative to the interior wall between a closed position and an open position,

where in the closed position the cover is overlying the wall opening,

where in the closed position the pneumatic tube carrier terminal is manually accessible through the pneumatic tube carrier terminal opening to a customer at the customer station,

where in the closed position the display device is visible through the display device opening,

where in the open position the cover is removed from overlying the wall opening,

where in the open position the cover is removed from the pneumatic tube carrier terminal and the display device, enabling the pneumatic tube carrier terminal and the display device to be manually accessed during a customer station servicing.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted eighth system.

13. The person having ordinary skill in the art also would *not* have recognized from the combined disclosures a teaching, suggestion, motivation, or valid reason to have produced a ninth system that includes:

a building,

where the building includes a fixed interior wall,

where the interior wall includes a support frame,

where the building includes a secure room,

a service provider (SP) station housed in the building,

where the SP station is housed inside the secure room,

where the SP station includes SP communication devices,

where the SP communication devices include an SP camera device,

where the SP camera device is operative to generate video material,

where the SP station includes at least one SP pneumatic tube carrier terminal,

a plurality of customer stations housed in the building,

where each customer station includes customer communication devices operatively connected to the SP communication devices, enabling two

way audio and video communication between a customer at each respective customer station and an SP at the SP station,

where the customer communication devices include a customer display device,

where the customer display device is supported by the frame,

where each respective customer station includes a customer pneumatic tube carrier terminal in operative connection with the at least one SP pneumatic tube carrier terminal, enabling a carrier to be pneumatically moved between each respective customer station and the SP station,

where each customer pneumatic tube carrier terminal is in supporting connection with the interior wall,

where each respective customer station is located outside of the secure room,

where the plurality of customer stations include a first customer station,

a video material presenting device,

where the video material presenting device is operative to provide video material to each respective customer display device,

a video control device,

where the video control device controls presentation of video material at each respective customer display device,

where the video control device is operative to selectively present video material provided by the SP camera device at each respective customer display device,

where while a first customer at the first customer station is in two way audio and video communication with the SP at the SP station, the video control device causes video material provided by the SP camera device to be presented at the customer display device of the first customer station,

where the video control device is operative to selectively present video material provided by the video material presenting device at each respective customer display device,

where while the first customer at the first customer station is out of two way audio and video communication with the SP station, the video control device causes video material provided by the video material presenting device to be presented at the customer display device of the first customer station.

The person having ordinary skill in the art would have recognized that there are significant and non-obvious differences between what is disclosed in the combined disclosures of these patents and the above noted ninth system.

14. The person having ordinary skill in the art would *not* have recognized from the combined disclosures of the patents any rationale to produce any of the above noted first through ninth respective systems by:

combining elements according to known methods to yield predictable results; simple substitution of one known element for another to obtain predictable results; use of known techniques to improve similar devices in the same way; applying known techniques to a known device ready for improvement to yield predictable results; choosing from a finite number of identified, predictable solutions, each with a reasonable expectation of success; known work in one field of endeavor prompting variations of such known work for use in either the same field or a different field based on design incentives or other market forces in a case where the variations would have been predictable to the person having ordinary skill in the art; or some motivation from the respective combined disclosures of these patents that would have led the person having ordinary skill in the art to have arrived at any of the above noted systems.

15. In conclusion, it would *not* have been obvious to the person having ordinary skill in the art, having full view of the patents, to have produced any of the above noted systems.

16. In addition, the person of ordinary skill in the art would consider the combination of patents to be inoperative and non-enabling with respect to all of the above noted systems. The person of ordinary skill in the art could not make or use the above noted systems from the patents (even if coupled with information known in the art) without undue experimentation. Nowhere does the combination of patents provide any enabling disclosure which would enable a person of ordinary skill in the art to produce any of the above noted systems.

Nor would the above noted systems be predictable from the patents to a person of ordinary skill in the art. The combination of patents does not enable the above noted systems. The features of the patents, combined with the knowledge of the person of ordinary skill in the art, still would not enable any of the above noted systems.

17. I hereby declare that all statements herein of my own knowledge are true, that all statements made on information and belief are believed to be true, and that the statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both (18 U.S.C. § 1001), and may jeopardize the validity of the application or any patent issuing thereon.

Patrick C. Green

September 21, 2009
Date